

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MCDONALD'S CORPORATION,

Plaintiff,

v.

VANDERBILT ATLANTIC
HOLDINGS LLC,

Defendant.

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19 Civ. 06471 (DLI) (SLT)

**DECLARATION OF
STEPHEN B. MEISTER**

STEPHEN B. MEISTER, under the penalties of perjury, declares:

1. I am a founder of Meister Seelig & Fein LLP, counsel for the defendant Vanderbilt Atlantic Holdings LLC ("Vanderbilt"). I make this declaration in further support of Vanderbilt's motion for summary judgment.

2. Desperate to raise a triable issue of fact, McDonald's, in response to Vanderbilt's motion for summary judgment, has submitted a statement of additional material facts purportedly in dispute, containing 37 pages of alleged facts broken into 32 paragraphs some of which have multiple sub-paragraphs.

3. Although some movants seeking summary judgment have submitted replies to an opposing party's opposition to statement of material facts submitted pursuant to Local Rule 56.1(b) such statements are not required and Vanderbilt declines to play into McDonald's hand and submit such a reply here.

4. None of the "facts" alleged in McDonald's opposition to Vanderbilt's statement of facts are material. Hence, even if the Court assumes McDonald's 37 pages of alleged additional facts supposedly supporting a denial of Vanderbilt's summary judgment are true, that should not

change the outcome of this motion. That is, none of the additional alleged facts in dispute, show that Vanderbilt did not cooperate or that McDonald's did cooperate.

5. Vanderbilt, nevertheless, reserves the right to challenge each of McDonald's 32 alleged facts in any further proceedings in this case should the Court deny any portion of Vanderbilt's summary judgment motion.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on June 24, 2022.

/s/ Stephen B. Meister
STEPHEN B. MEISTER